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United Nations reform: measures and proposals

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Letter dated 24 October 2005 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to forward the report of the High-level Meeting on "Building partnerships for promoting gender justice in post-conflict societies" that was organized by the Swedish Ministry for Foreign Affairs, in cooperation with the United Nations Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), from 25 to 26 August 2005 in Stockholm (see annex). The meeting was chaired by Ms. Annika Söder, State Secretary for International Development Cooperation of the Swedish Ministry for Foreign Affairs.

I would be grateful if the present letter and the report could be brought to the attention of the members of the United Nations Security Council and issued as a document of the Security Council. I would further request that the present letter and the report be issued as a document of the sixtieth session of the United Nations General Assembly under agenda items 64 and 118.

(*Signed*) Anders **Lidén**
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Annex to the letter dated 24 October 2005 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

Report of the High-Level Meeting on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies" organized by the Swedish Ministry for Foreign Affairs, in cooperation with the UN Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), in Stockholm on 25–26 August 2005

A. INTRODUCTION

1. In fragile post-conflict settings, a country emerging from war and seeking to secure peace, justice, and democracy faces many challenges across the humanitarian, development and security spheres. As Baroness Valerie Amos, Leader of the House of Lords and President of the Council of the United Kingdom, speaking on behalf of the Presidency of the European Union, so succinctly stated at this meeting:

> "Wherever the rule of law is replaced by conflict, then everyone suffers, but women suffer disproportionately. Wherever justice systems are under-resourced, dysfunctional, corrupt, inaccessible, powerless or even non-existent, then everyone suffers, but women suffer disproportionately. Wherever impunity is the norm, not just for yesterday's crimes but also for today's, not just for sexual violence, but for corruption, theft or land-grabbing, then everyone suffers, but women suffer disproportionately."

That the requirements of gender justice in a post-conflict society are immediate and vast is well-established. It is also broadly acknowledged that a country's transition from conflict provides unique opportunities to adopt strategies and policies for the re-establishment of rule of law and the promotion of gender equality and gender justice as well as the direct participation of women throughout the transition process. A core issue to be confronted is how the international community can best support national actors in promoting strategies, policies and programmes which integrate gender perspectives throughout the legal and judicial framework and ensure that women's capacities are fully utilized in the transformation of the country.

2. To contribute to efforts to accelerate implementation of the objectives and calls of Security Council resolution 1325 (2000), which underlined the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peace-building processes, UNIFEM and ILAC organized a Conference on Gender Justice in Post-Conflict Situations, with the theme "Peace Needs Women and Women Need Justice", from 15-17 September 2004 in New York City. The Conference built on the findings and recommendations of the 2002 report of the UNIFEM-appointed Independent Experts, Mrs. Elisabeth Rehn (former Defense Minister of Finland) and Ms. Ellen Johnson Sirleaf (former Finance Minister of Liberia), entitled *The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (Progress of the World's Women 2002, Vol. 1). The Conference brought women holding key legal and judicial positions from over twelve conflict-affected countries together with a range of international players -- representatives of other Member States, regional organizations, senior UN officials, non-governmental organizations (NGOs), academic institutions, foundations and private entities -- so that they could share their views on whether the gender justice aims of resolution 1325 were being implemented in justice-related activities of national and international actors on the ground

(including in UN peace operations). The three-day dialogue resulted in a broad range of observations and recommendations relating to the priority gender justice requirements and assistance most needed in the conflict-affected countries concerned as well as best practices that had emerged in some of those countries. The report of the Conference (hereinafter "UNIFEM/ILAC Conference") was brought to the attention of the Security Council and issued as a document of the Council (S/2004/862 of 26 October 2004).

3. The High-Level Meeting in Stockholm on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies", organized by the Swedish Ministry for Foreign Affairs, in cooperation with UNIFEM and ILAC, from 25–26 August 2005 (hereinafter "Stockholm Meeting") was a follow-up to the UNIFEM/ILAC Conference. Taking stock of the recommendations emanating from the UNIFEM/ILAC Conference, as well as the ongoing process of UN reform, the overall goal of the Stockholm Meeting was to focus on how gender justice requirements, within the context of rule of law and post-conflict peacebuilding, can best be addressed and operationalized in such settings.

4. The Stockholm Meeting, chaired by Swedish State Secretary Annika Söder, brought together key partners within the UN system; Member States, including national women stakeholders (primarily at the ministerial level) from Afghanistan, Haiti, Liberia and Sudan; regional organizations; international financial institutions (IFIs); and NGOs. These partners were brought together to determine what major conclusions and recommendations raised at the UNIFEM/ILAC Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, NGOs and other relevant actors, as well as to forge strategic partnerships for implementation and funding of such action so that progress on the recommendations can be achieved.

5. The Minister for Democracy, Metropolitan Affairs, Integration and Gender Equality in the Ministry of Justice of Sweden, Mr. Jens Orback, set the stage for the meeting by stating:

> "When we talk about armed conflicts or other kinds of political violent crisis which occurred in history, it is often easy to be wise afterwards. We say that 'if we had only known,' 'had we had the information,' 'if we had been there we would have . . .', but we often say those wise words when the conflict is over, or when the assaults are already a fact; when it is too late to have injustice undone. But it is not too late however to learn from history and it is not too late to do everything you can to prevent this from happening again. We are well aware of these gender issues that are most pressing in the world and we have the chance to do something here and now."

Minister Orback concluded his opening remarks by requesting that the participants use the meeting to "transform words into action".

6. For the sake of clarity and consistency, the recommendations in this Stockholm Meeting report are presented under the same thematic headings as those in the UNIFEM/ILAC Conference report. This report focuses specifically on the recommendations that emerged from both the UNIFEM/ILAC Conference and the Stockholm Meeting, and does not attempt to summarize the important and moving discussions that occurred on other topics and issues. Copies of the written statement of each speaker, as well as the meeting agenda, list of participants and concept note for the meeting, are posted on the Swedish Ministry of Foreign Affairs' website at www.ud.se as well as on UNIFEM's website at www.unifem.org. To give a broader context to the recommendations from the Stockholm Meeting, they have been grouped under various recommendations extracted from the

text of the UNIFEM/ILAC Conference report; that extracted text is presented in this report in italics.[1] However, this extracted text is not intended to comprehensively include all the recommendations and observations raised at the UNIFEM/ILAC Conference,[2] and includes only those recommendations that were further discussed in Stockholm. In an effort to focus on the main recommendations that emerged from the Stockholm Meeting and to also provide a comprehensive overview, the recommendations are consolidated, where appropriate, without attribution. The recommendations in this report are not presented in order of importance; the meeting time in Stockholm did not allow for prioritization.

7. To facilitate the Stockholm discussions, all speakers and participants were provided with a copy of the full UNIFEM/ILAC Conference report (and the augmented Conference Publication) as well as a Concept Note for the meeting which included an annex containing the "Key Conference Recommendations Relating to Institutional Structures and Mechanisms Needed for the UN System to Better Respond to the Gender Justice Requirements of Women in Post-Conflict Societies". An additional backdrop to the discussions at the Stockholm Meeting was the proposed UN Peacebuilding Commission;[3] extensive discussions during the meeting underlined the importance of the UN including gender justice in the agenda of the Commission as well as in its support office. Consequently, and in light of the ongoing process of UN reform, this report has a strong emphasis on recommendations relating to the UN.

8. The overview presented in this report draws liberally from the voices of experience heard at the Stockholm Meeting. But there has been no effort to independently validate the statements made during discussions at the meeting or in the written submissions of the speakers.[4]

B. RECOMMENDATIONS

I. Reform of National Laws (including Customary/Traditional Systems of Law) and Constitutions to Address Discriminatory Practices and Gaps and to Advance the Protection of Women's Rights in Conformity with International Law

9. *Maintaining the status quo of the legal system during the post-conflict period, when so much has changed and yet so much remains unchanged for the welfare of women and girls, can be a convenience many post-conflict leaders seek. But, for at least some period of time, the world's attention on the conflict and its aftermath highlights the weaknesses of the national legal system and demands change. (NY para. 10)*

Gender justice cannot be realized as long as countries continue to maintain laws that discriminate against women. While such gender-linked flaws in the laws exist in the absence of any armed conflict or post-conflict situation, the fact that they persist into the post-conflict period makes it extremely difficult to ensure the participation of women in critical transitional developments and emerging institutions and, more generally, their full integration and well-being in society. A large

[1] All extracts from the UNIFEM/ILAC Conference report are followed by a reference to the paragraph number where they can be found in that report (S/2004/862). However, in some instances, the text may be included under a different inter-related heading in this report than it was in the UNIFEM/ILAC report.

[2] The full written statements of the speakers at the UNIFEM/ILAC Conference and the 46-page compilation of summary extracts from those statements, as well as the Conference report, are posted on UNIFEM's web portal on women, peace and security at http://www.womenwarpeace.org/issues/justice/gender_justice_conference.htm.

[3] The Stockholm Meeting took place prior to the UN General Assembly's adoption of the 2005 World Summit Outcome, and therefore the recommendations at the Stockholm Meeting do not refer to the decisions reflected in that document.

[4] The Rapporteur for the Stockholm Meeting was Ms. Shelby R. Quast.

number of discriminatory laws explicitly perpetuate de jure discrimination with regard to personal status, marital status, violence against women, property ownership, and inheritance rights. The problem becomes particularly complex to unravel when codified law that may espouse equality co-exists with a local customary law that discriminates against women. (NY para. 11)

Whenever laws perpetuate women's inequality, even when their language appears gender-neutral, they constitute discrimination in violation of international norms. (NY para. 12)

[Some legal systems] continue to treat rape and crimes of sexual violence as "honour" crimes. Such obstacles to gender justice need to be removed through persistent efforts at thorough reform of national laws and civic education. (NY para. 22)

As legal reform unfolds, it will achieve its greatest potential provided massive education programs about gender-based violence and newly adopted or strengthened legal norms are undertaken by post-conflict governments, in consultation with and with the active support of civil society organizations, such as women's groups, as well as UN peace operations, UNIFEM and other UN agencies in the field. (NY para. 15)

Reform of Discriminatory Laws

- Implementation of justice in countries recovering from conflict first demands that human rights violations against women and girls are seen, and treated by the justice system, as crimes. Injustices experienced by women and girls must not be pushed into informal, traditional or customary law systems, which are often gender blind. Government policies and institutions should be established, and studies conducted, to address and redress gender disparities in a country. Laws that are discriminatory or humiliating toward women must be reformed; the language in these laws should establish equal rights for men and women alike.

- Housing, property ownership, inheritance and personal status issues, which often lie at the heart of post-conflict reconstruction, require additional attention in terms of the implications and impact on women and the discriminatory effect of relevant laws on them. The international community must significantly increase assistance and resources devoted to reforming such laws which often discriminate against women.

10. *In recent decades, there has emerged an international legal framework of protection for the rights of women in human rights treaties and the criminalization of many types of gender violence in international conventions and the statutes of international criminal tribunals. (NY para. 13)*

International experts need to be engaged in identifying the gaps between international law and the relevant national law and then working with national stakeholders to strategize revision. (NY para. 14)

Special attention should be paid, both by national bodies in post-conflict countries and by international partners providing support and assistance, to incorporate into national law those standards and objectives already set forth in Security Council resolution 1325 and recommended in the Independent Experts' Assessment. Technical assistance and financial help from bilateral and multilateral donor entities are needed to enhance work on gender justice and make it easier for post-conflict governments...to embark on needed reforms. (NY para. 15)

Harmonization with International Laws and Standards

- Gaps between the national laws of a conflict-affected country and international standards and norms must be identified. There should be increased focus on the need for such countries to ratify international conventions and to harmonize national law with international laws and standards, including those set forth in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), human rights treaties, and Security Council resolution 1325. To achieve reform of such national laws in conformity with these international instruments, they must be widely disseminated and explained in a manner which women and civil society in general can easily understand. In addition, experts are needed for specialized training for judges, prosecutors, and lawyers of the conflict-affected country in such laws.

Existing International Tribunals

- The jurisprudence of ad hoc international tribunals (e.g., International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR)) and the International Criminal Court (ICC) can play an important role in national law reform. Specifically, the jurisprudence and case law of such tribunals and the definitions of gender-based crimes and standards of investigation established by them could be utilized in the context of national law reform efforts and transitional justice mechanisms.

II. Ending Impunity for Crimes Against Women and Creating an Environment of Accountability, Reconciliation and Tolerance: Establishment of More Gender-Sensitive Justice and Transitional Justice Mechanisms and Provision of Reparations and Rehabilitative Services to Victims

11. *Victim and witness protection, particularly relating to the prosecution of gender-based crimes, remains critical to the success of prosecutions of perpetrators, and yet very few resources and very little expertise are allocated for these key requirements. (NY para. 23).*

Sufficient participation by women victims in the various mechanisms involved in the compensation process also would help free the women who have been reduced to silence by their feelings of shame and give them confidence that their situations will be properly addressed. (NY para. 42)

Victim Compensation

- There is a critical need for programmes to be established in conflict-affected countries which offer protection to victims of rape and other forms of violence against women as well as the provision of immediate compensation/assistance to victims, irrespective of whether those cases have concluded in the courts or the perpetrators have been identified. The development of these programmes requires international expertise and funding support. The provisions of the ICC statute regarding victim compensation, as well as the lessons learned from the ICTR and the ICTY, could be useful in the creation of such programmes.

Witness Protection

- There is an urgent requirement to develop and provide sufficient resources for witness protection programmes in conflict-affected countries. Resources are also needed for the establishment of safe houses and temporary shelters for both victims and witnesses.

12. *One of the most important long-term objectives should be the creation of a culture of tolerance in post-conflict societies. Legal reform can promise to be a major impetus for changing attitudes and the conduct of men towards women, but sometimes it takes much more.... Although a legal framework is necessary, the creation of a culture of tolerance should be emphasized. This culture should be fostered at all levels of political and social life.... However, as noted by Namibia's Attorney General, 'the mere existence of such instruments will be worthless without the effective enforcement in a society that has, as its foundations, the respect for human dignity'. Legal reform can help minimize intolerant, discriminatory and violent behavior towards women, but sustained political leadership -- with women among the ranks -- committed to gender justice in society at large can also make a substantial difference. (NY para. 26)*

Recognizing that men are better empowered in many post-conflict societies to promote gender equality, there should be greater outreach and education efforts focusing on men and boys. The United Nations should be more active and visible in cultivating constructive male attitudes in societies where tradition and customary law and practice so heavily fortify stereotypical views about, and unequal roles for, women. This may call for a major initiative directed towards changing the attitudes of men and boys through intensive and widespread educational programs. (NY para. 27)

Culture of Tolerance

- To create an effective strategy or programme for gender justice in a conflict-affected country, it is important to focus not only on the high politics of the *state*, but also on the areas where the most profound injustices rest, such as in the deep politics of *society* and the resulting social and psychological barriers that prevent women from accessing justice.

- The international community must provide support for women in a conflict-affected country to challenge unequal and unfair practices that are often presented as part of custom and culture. General respect for the culture and traditions of a country is, of course, expected but not when it is invoked to tolerate or promote crimes against women and not when it makes the situation for women unbearable.

- Practices that are discriminatory and encourage violence against women, such as forced marriage of girls under 18 years of age, using women as peace offerings to settle disputes, and giving away women as payment for debts, must be stopped.

- The platform for achieving gender equality and gender justice in a conflict-affected country is not owned by the ruling party or by the government, but by people committed to transformation within society. Women must build alliances with those in power and those seeking power; the efforts of individual women and women's groups and institutions alone are not enough. The support of male leadership is key to effecting change and achieving the objectives of gender justice. Men and boys at all levels of society must be committed to and actively involved in the struggle for gender equality and gender justice.

- Long-term funding and expertise are needed to support the establishment of outreach programmes which aim to mobilize gender justice advocates, including men and boys, and provide civic education within communities so that the population gains an understanding that gender equality and gender justice benefit all of society and not only women.

13. *The transformation of national legal systems has lagged far behind the creation of international criminal tribunals, despite the overwhelming need for domestic justice with regard to tens of thousands of alleged perpetrators of genocide, crimes against humanity, or war crimes. In addition*

to the fundamental challenge of creating some kind of judicial and/or non-judicial accountability mechanism, there is the additional task of ensuring that gender justice is understood and incorporated into any such mechanism. Despite many deficiencies and obstacles at the national level, it remains important that prosecution of gender-based crimes occur at the national level to the greatest degree possible. (NY para. 29)

At the international level, the International Criminal Court (ICC) is establishing definitions of gender-based crimes and standards of investigation that offer great hope for gender justice. In addition, the Rome Statute of the ICC requires gender-balanced recruitment policies and seven women judges were elected to the 18-judge Court. The International Criminal Tribunals for the Former Yugoslavia and Rwanda raised the standards of accountability for crimes of sexual violence against women, clarifying definitions of sexual violence and recognizing it as a weapon of war (including rape as an act of genocide). The Rome Statute of the ICC raised the standard even higher with its precise definitions for gender crimes within the categories of crimes against humanity and war crimes. (NY para. 39)

Transitional Justice and Accountability Mechanisms

- There is a critical need for transitional justice mechanisms to address gender violence in a conflict-affected country, shaped by the experiences of women survivors, until there is a functioning legal system. Specific mechanisms and procedures must be developed for the timely implementation of national truth commissions that adequately address the particular experiences and hardships encountered by women, children and vulnerable groups of a conflict-affected country, with particular attention given to sexual and gender-based violations. The mandates and procedures for such commissions and processes for prosecutions should be gender-sensitive and formulated only after collaboration with national women stakeholders and a thorough analysis of the gender implications specific to that situation.

- International tribunals and the ICC can play a useful role in the development of national accountability mechanisms. For example, the definitions of gender-based crimes, standards of investigation, and gender-balanced recruitment policies of the ICC, as well as the standards of accountability for sexual violence against women and the recognition of sexual violence as a weapon of war by the ICTY and ICTR, can serve as model guidelines and standards for a conflict-affected country in establishing accountability for gender-based violations. Existing tools and best practices (including, *inter alia*, the International Commission for Transitional Justice (ICTJ) Handbook on Gender and Truth Commissions, the best practices recorded at the UNIFEM/ILAC Conference, and the procedures established for the Peru Truth Commission) can also be used as models in the creation of accountability mechanisms.

- There is a need for further research and analysis of the linkages between offenses categorized as ordinary crimes and war crimes in a conflict-affected country, specifically in the area of gender-based crimes.

- National mechanisms, such as a high-level review panel, need to be established to ensure that governing authorities of a country are answerable for any misadministration of justice and to help provide gender justice accountability. One particular suggestion put forth was to include gender justice criteria within a government's reporting requirement for CEDAW.

- UN country teams should reach out to national stakeholders, both governmental and non-governmental, including women's networks, to assist in developing appropriate, country-specific policy frameworks for transitional justice mechanisms.

- In response to the need for transitional justice systems, the Swiss Government announced that it is designing a gender-sensitive mediation training course for constitutional lawyers, tailor-made for transition processes, which will aim to have women comprise at least 40% of those enrolled.

14. *To facilitate the transformation of national legal systems, substantial and long-term assistance from the international community remains critical for governments and women in post-conflict societies. This includes long-term judicial training for local judges, prosecutors, and public defenders... Much more legal capacity needs to be developed in post-conflict societies, including among women, in order to investigate and prosecute sexual-related crimes committed prior to the armed conflict or during the post-conflict stage. (NY para. 30)*

Legal Capacity

- There is an urgent need for ongoing financial support and expertise to enable training and continuing legal education to be provided to judges, prosecutors and defense counsel of a conflict-affected country to sensitize them and enhance their knowledge in the areas of violence against women and children.

- There is also an urgent need for resources to enhance programmes for increasing legal capacity and legal literacy in conflict-affected societies, particularly for women. In this regard, it was suggested that UNIFEM and ILAC programmes could be very helpful in terms of legal training and the review/revision of legal texts, and, more generally, legal literacy programmes.

III. Rehabilitation and Reform of the Judicial Infrastructure, Institutions (including Staffing and Service Conditions), and Processes to Enhance the Involvement of Women and their Access to Justice

15. *Building an effective infrastructure for a post-conflict national judicial system -- from adequately furnishing courtrooms and constructing prisons to strengthening the capacities of judges and eliminating corrupt practices -- is essential to advance the objectives of gender justice. In post-conflict situations, women typically have limited opportunities and encounter substantial obstacles to access the judicial system and, therefore, there is a need for a working and open judicial system if they are ever to enjoy equal access. Sooner than later, women need to be part of the design and decision-making process of such a system. But plans to finance the rehabilitation and reform of such national judicial infrastructures -- irrespective of the dire need of the resource-strapped, war-ravaged countries concerned -- remain very difficult to sell to the legislative appropriators of potential major donor states.... For example, the provision of defense counsel, and helping finance their work, is generally unattractive as a funding opportunity for donor governments and institutions. But it is essential for building a viable judicial system and merits far more financial support. (NY para. 40)*

Much-needed resources for judicial accountability, from office equipment and courtroom facilities to translation services and training of local judicial officers, remain grossly lacking in practically all post-conflict societies. (NY para. 41)

A small but important step in reforming the judicial infrastructure of post-conflict/transitional societies is to establish percentage quotas for women to be hired for emerging judicial bodies. (NY para. 44)

Institutional Support

- There is a need for the provision of early and sustained technical, material and financial support to ALL ministries of a conflict-affected country after the signing of a peace agreement, but such support is also needed for the judiciary and gender mechanisms across ministries.

- Financial support and operating resources need to be provided directly to women's ministries and women's groups. It was emphasized that even a small amount of money can make a big difference and that innovative women can make something happen out of practically nothing (as demonstrated in Liberia). In the case of Liberia, the Ministry of Gender and Development had no operating funds at the outset but, with a generator and a small amount of funding from UNIFEM, the Ministry was able to furnish a functioning conference room which they could rent out. The proceeds from the rental are enough to pay small salaries to the employees.

Special Courts for Sexual Offense Cases

- There is a pressing need for resources and support for special courts to be established to deal specifically with sexual offense cases. The Special Crimes Unit Courts of South Africa, which serve as specialized sexual offense courts and have a case closure rate nearly twice that of the ordinary magistrates courts, and the Fast Track Courts in Liberia for prosecuting rape crimes, exemplify the benefits of such courts.

IV. Increased Employment of, and Specialized Training for, Women Judges, Prosecutors, and Lawyers (including as Defense Counsel) as well as the Provision of Legal Education and Assistance for Female Citizenry

16. *Given the often-deficient level of educational opportunities afforded to women and girls in societies at the pre-conflict stages, education is the key to any progress for women and girls in a post-conflict society. Without timely, proper and equal educational opportunities, the chances are much greater for continued discrimination and abuse of women that undermines the rule of law as well as perpetuates the under-utilization of skills and capacities of half of the population. (NY para. 47)*

That said, one of the most distressing realities about prospects for gender justice in post-conflict societies is the rudimentary process so far undertaken, particularly by national bodies, to educate girls and women about the legal culture and their fundamental rights.... But years of greatly expanded basic education and judicial training will need to transpire before the international community can begin to de-prioritize this issue. In the meantime, more funding will be required from donor governments to support the basic educational needs of girls and young women, university curricula development, training missions for aspiring women lawyers, and technical assistance to help train the trainers for the long term. (NY para. 48)

Education of Women/Girls and Legal Training

- Greater emphasis must be placed on education for women and girls in a conflict-affected country, at all levels, including specialized training to inform them of their rights under national laws, conventions, and treaties as well as international standards and norms so that they can hold their government accountable.

- Increased involvement of women in a conflict-affected country in the design and delivery of legal education programmes and activities, as well as in legislative reform initiatives, can facilitate implementation of laws, conventions and treaties that promote gender justice.

- Specialized training is required for women judges, magistrates, prosecutors and defense counsel in areas relating to violence against women and children as well as relevant national and international laws and standards.

[See also comments in Sections V and VI]

V. Establish/Strengthen Government Institutions, Mechanisms, Policies and Strategies, as well as NGOs/Civil Society Organizations, to Specifically Focus on Redressing Gender-Based Disparities, Supporting Women's Needs and Advancement, and Increasing their Participation in Transitional Institutions and Processes (Political, Legislative, Electoral, Economic Reconstruction)

17. *Gender justice cannot be successfully pursued on a daily basis in a society emerging from conflict unless governmental institutions, mechanisms, policies, and strategies are devised and then implemented with strong political commitment by the national government and, when necessary, with adequate financial and technical support from international donors. That process will not unfold, however, unless women are enfranchised and assume positions of authority in government, the courts, the professions, and society at large. That can become a generational challenge. But for the early months and years of the post-conflict period, concerted efforts have to be made, with international pressure and support, to ensure that women are not marginalized in the critical institutions and decision-making processes that help frame how a post-conflict society addresses and protects the rights of all of its citizens. It remains critical to adequately support the work of non-governmental and other civil society organizations which are the backbone of effective on-the-ground implementation of gender justice objectives. The presence of a UN peace operation also can be used to encourage such support and apply leverage, when necessary, on governments. (NY para. 53)*

Participation of Women in Institutions and Processes

- It is critical for substantial financial and material support to be provided for dedicated gender mechanisms and local NGOs in order to increase women's participation in political, legislative, judicial, electoral and economic reconstruction processes and reform commissions. Ongoing international support for local women's organizations and initiatives, geared toward promoting local/national ownership and priorities, is also needed so that such organizations can act quickly when opportunities arise. It was noted that, when the Tsunami hit Sri Lanka, women's groups had flyers out within days warning of the potential for violence against women in the refugee camps. As a result, violence against women in the camps was greatly reduced.

- Technical, material and financial assistance is needed to support women candidates of a conflict-affected country for elected positions as well as to support political participation of women, at all levels and throughout all institutions of government, including in exercising their right to vote in elections. The international community should establish, in advance of post-conflict elections in a country, a trust fund to support the political participation of women. As a first step, the Global Coalition-Women Defending Peace announced that they are creating a fund to provide resources to women candidates in conflict-affected countries.

- Women in post-conflict countries must actively participate in the processes and mechanisms for developing or amending the constitution and electoral laws for the country, as well as push for the integration of gender-equality provisions therein. Security Council resolution 1325 and the relevant conventions pertaining to women in post-conflict situations could be utilized in framing such processes and mechanisms.

Gender Platform/Strategy

- The issue of the position of women in society is essentially a political question. If gender advocates are to have an impact, they must influence constituencies with a voice, those in power and those seeking power. Gender advocates need to strategize and work throughout each phase of the "transition

continuum" and not wait until the post-conflict phase; what happens before the post-conflict phase is also very important.

- National stakeholders must have a cohesive gender strategy with clear targets, and come to the table with a common gender platform. If national women stakeholders want to impact and influence negotiations, they must begin to mobilize women prior to negotiations. It is important to have a united platform on gender issues, owned by all women, across political, ethnic and religious lines, coming from all walks of life. It is therefore crucial that women's groups receive early and ongoing support to mobilize and formulate a comprehensive gender agenda and to continue advocacy among constituencies and the general population.

- Technical and financial assistance is needed to support efforts of grassroots women's groups to organize and develop an active women's movement to accelerate the advancement of women in conflict-affected countries.

- South Africa is a good example of how a coalition of women from parties across all lines mainstreamed gender into political movements and had a positive impact on every stage of the transition process. But, as powerfully recalled by South Africa's Minister of Justice and Constitutional Development, Ms. Brigitte Sylvia Mabandla, it must be noted that, from the very earliest stage of the transition process, extensive discussions and meetings took place among the women's groups of South Africa and women formed a united front to influence leadership across party lines. The experience of South Africa could be instructional in developing south/south support for women's groups and constituencies in other conflict-affected countries which are trying to mobilize women to impact on political processes, for example in Sudan.

South/South Cooperation

- There are important lessons to be learned from women in countries that have gone through or are currently going through transition, and there is a need for resources to facilitate such dialogue and exchange of information among women through south/south cooperation. Support should be increased for meetings among women and other key stakeholders from different conflict-affected countries and regions to discuss strategies and exchange best practices as well as obstacles and failures encountered in areas that impact on achieving gender justice in transitional and peace processes.

- International support is needed for a programme to bring key Liberian and South African women to Sudan to engage in a dialogue with Sudanese women and to strategize on how to include gender justice issues and perspectives in the peace process.

- The African Union has the political will (in 2002, the African Union adopted a policy of 50% representation of women at all levels) and desire to improve the situation for women in Africa, but requires international support and expertise to strengthen their efforts. The Global Coalition-Women Defending Peace offered the Alexandria Library as a potential venue for a regional meeting between the African Union and the Arab League to further discuss rule of law and gender justice initiatives and programmes.

VI. Improving the Socio-Economic Position of Women to Enhance Utilization of their Skills and Participation in Public and Economic Life (including in Transitional Institutions and Processes): Need to Address Factors Preventing Equal Access to Basic Public Services (e.g., Education, Health Care) and Economic Opportunities

18. *Because the status of women and girls prior to the war usually is so poor, and given the unique opportunities that arise in a transitional post-conflict situation to rectify this situation, the objective should be to achieve a much higher standard of living and influence for women and girls after the war. This means women should enjoy full participation in the economy and in the government, particularly in legal and judicial institutions, and also secure high-level decision-making positions, which would thus enable them to influence decisions that directly affect the welfare of women and children. Women must achieve higher percentages of representation in newly-formed legislative bodies as well as reform commissions and bodies (for example, legislative, judicial, constitutional, electoral) of post-conflict countries. (NY para. 59)*

Improvement of the Position and Status of Women

- The international community must explore ways to improve the quality of governance in post-conflict countries through the enhanced political participation of women at all levels and in all institutions of government, including through the provision of technical, material and financial assistance to women candidates vying for elected positions.

- More women need to be appointed to decision-making positions in government; specific language requiring percentage quotas for women's participation in executive, legislative, judicial and electoral bodies and reform commissions must be included in peace agreements.

- Needs assessments undertaken by the international community as well as donor programmes should give greater emphasis to the special needs and concerns of women and girls in a conflict-affected country, including through poverty reduction, health, education and empowerment strategies. Women and girls must have equal access to, *inter alia*, education and primary health care; access to reproductive health and child health care; equal opportunities in the economic sphere (with special emphasis on equal pay for work of equal value); and equal rights of property ownership and inheritance.

- Technical, material and financial assistance is needed to support women's active involvement in the economic sector; including in the ownership and operation of small businesses and non-profit enterprises.

VII. Increased Participation of Women in Peace-making Processes and the Negotiation of Peace Agreements as well as in Implementation Mechanisms and Processes

19. *Women must play a key role in the search for negotiated peace. Fundamentally-flawed negotiated peace agreements too often elevate male perpetrators of war crimes to high positions of power, immunize them from justice, and marginalize the role of women in the negotiations that vest so much power in such men....Women are overlooked in processes to form a new government and its institutions, and thus are deprived of key positions, including in the legislative and judicial realms. (NY para. 63)*

Role of Women in Peace-Making and Peace Agreements

- Gender equality is not just a human right but also an essential component of democratic development. True development can only be achieved if women are able to participate as equal partners, decision-makers and beneficiaries of the sustainable development of their societies. Security Council resolution 1325 established a comprehensive agenda on women, peace and security; it addresses, *inter alia*, the need for full and equal participation of women in peace processes and peacebuilding activities and underlines the importance of gender-sensitive training for personnel involved in peacekeeping operations. The international community must push for the implementation of the objectives and calls of resolution 1325 and relevant international conventions pertaining to women during negotiations for peace and the development of peace agreements in conflict-affected countries as well as during subsequent electoral law reform processes.

- To have accountability, peace agreements must uphold and promote gender equality and inclusion and refer affirmatively to resolution 1325. A gender-neutral peace agreement often means there is no gender framework, no targets set, and no time frame; the inclusion of women in the implementation of the agreement and its processes is voluntary and left to the discretion of the particular government (if any) and the political parties. Benchmarks in the peace agreement are needed as, without them, it is difficult to monitor or actually assess whether a country has made any progress in terms of gender equality and gender justice.

- Women stakeholders of a conflict-affected country must share a common goal for gender justice and participate in structures and processes throughout the transition to ensure that the needs and capacities of women are taken into account in constitutional and legislative reform, including reform of criminal laws (e.g., relating to domestic violence), laws governing economic and property rights, and family law. Women should not waste the window of opportunity afforded by these reform processes. The international community can provide invaluable support to national institutions as well as NGOs to promote women's equality and gender justice before and during the transition and peace processes.

VIII. Increased Participation of Women and Incorporation of Gender Dimensions (including Gender-Based Budgeting) in All Stages of the Conceptualization, Planning and Implementation of UN Peace Operations (including Rule of Law-Related Components), as well as in the Reporting, Evaluation and Monitoring of the Operations

20. *The strategic and operational planning for post-conflict UN peace operations and donor initiatives is so important that women -- both national and international -- must play a much greater role in these early efforts to restore basic institutions and services to meet the core needs of society and launch constructive initiatives. More women, including legal and gender justice specialists, as well as UN agencies such as UNIFEM, should be included in assessment missions, in part to strengthen early consultations with national stakeholders, particularly women, in the conflict-affected country.... In addition, those peace operations and agencies and programmes should have adequate numbers of gender justice specialists on their respective staff. (NY para. 70)*

Assessments for UN Peace Operations/Programmes and Donor Initiatives

- The UNIFEM/ILAC recommendation that more women, including legal and gender justice specialists, as well as UN agencies such as UNIFEM, be included in assessment missions for UN peace operations and programmes was fully endorsed.

- Needs assessments should be nationally-led and driven; national stakeholders, including the government, civil society and a broad spectrum of women's organizations should be equal participants in making the assessment and devising a strategy for assistance programmes and for the implementation of any peace agreement. The international community must recognize that there is much to learn from national actors and, ultimately, without national ownership, any such assistance or development programmes will fail.

- It is extremely important that gender justice issues be addressed at the earliest stages of the planning and assessment process for a peace operation and that sufficient resources are allocated to meet such requirements. It was stressed that, if gender justice issues are not integrated in the Secretary-General's proposed concept of operations for a new peace operation, they will likely not be covered in the Security Council resolution that authorizes the operation or in the budgetary plan approved by the General Assembly -- thus resulting in a peace operation that does not adequately address the needs of women.

- The expertise available within the UN system family to address gender justice issues must be better utilized during the assessment team process and should include participation by UNIFEM, the UN Office of Drugs and Crime (UNODC), the UN Children's Fund (UNICEF); and the UN Population Fund (UNFPA). Particular emphasis was given to the importance of drawing on UNIFEM expertise in the assessment process and in the programmes of peace operations, including to capitalize on its knowledge of national women's networks and requirements. The Swiss Government pledged its support for UNIFEM's inclusion in assessment processes and called on other countries to do the same.

- In undertaking assessments and developing gender-justice related programmes, the UN should actively partner with and involve outside rule of law/gender justice experts as called for in the 2004 Secretary-General's Report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (S/2004/616), the 2002 Report of the UN Secretary-General's Executive Committee on Peace and Security (ECPS) Task Force for Development of Comprehensive Rule of Law Strategies for Peace Operations, and the 2000 Report of the Panel on UN Peace Operations (the "Brahimi Report", A/55/305-S/2000/809). Coordinated assessments should include, for example, the World Bank, the African Development Bank, and ILAC, among others, who can bring their respective expertise to the process.

- The UN needs more effective channels for recruitment of outside rule of law/gender justice experts for both the assessment process and positions in peace operations. Specific terms of reference for such gender justice profiles/positions need to be formulated and broadly disseminated to identify such experts. The current recruitment procedure is a very time-consuming, cumbersome and competitive process, in which the needs and preferences of the national actors, particularly women and children, are seldom taken into account. It was suggested that ILAC could play a critical role in identifying potential experts for legal/judicial assessments of conflict-affected countries, including gender justice experts, from its worldwide membership of over three million judges, prosecutors and lawyers.

21. *The UN still lags far behind in appointing women to SRSG and DSRSG positions in peace operations or, for that matter, heads of substantive components. It is not enough to have a gender advisor on the staff of a peace operation, particularly if that individual has a middle-level status (such as a P-4 level) rather than a Director-level posting comparable to other ranking staff. The appointment of women in the top management of a UN peace operation, the inclusion of a high-ranking Gender Advisor supported by a well-resourced Gender Unit, and the integration of gender*

justice specialists in critical components would convey the image of the UN as a gender-friendly organization and instill gender-sensitive thinking at the very top of and throughout the mission. (NY para. 72)

For the objectives and calls of Security Council resolution 1325 to be effectively met, the gender-related objectives and programmes of a peace operation will hav to be supported with sufficient financial and human resources and more women must be integrated into the command structure of the mission. Focus cannot simply be on the civilian staff and structure, because the Military Observers component, like the military contingent and civilian police components, is also woefully short of female members. Given the critical functions performed by the various components, including as role models to the local population, women should be included across all areas of the mission. (NY para. 74)

Putting Women in the Gender Justice Equation

- Women must play an integral role, at both the national and international levels, if gender justice is to be achieved in conflict-affected countries; women must be present in the police and prison services, among the judges, prosecutors and lawyers at all levels, and in the formal and informal justice systems.

- More women must be appointed as high-level representatives of the Secretary-General and actively participate in and influence the planning methodology and processes that guide the establishment of peace operations.

- The need identified in the UNIFEM/ILAC Conference for high-level gender specialists to be included in top management positions and among the staff of critical components of UN peace operations, agencies and programmes was fully endorsed. It was pointed out that a Gender Advisor (if there is one) in the UN peace operation and in the UN country team, is often a lower-level position, which limits its effectiveness.

- It was noted that there is often no clear concept or mechanisms spelled out to ensure in-country collaboration between UN agencies, funds and programmes and a deployed peace operation on programmes of assistance to support women, including to achieve gender justice. This often leads to turf battles in theatre, overlapping assistance programmes, and wasted resources -- all to the detriment of the women nationals who so desperately need support. One speaker proposed a pilot experiment, where an entity like UNIFEM, which has regional and country programmes to support women in many conflict-affected areas around the world, would be asked to take the lead in this area in a particular peace operation.

- Member States must push for the appointment of women in senior UN positions. There are many qualified women suitable for senior appointments, and Member States and others must continually submit to the UN the names of qualified female candidates.

22. ***Each UN peace operation should be planned and assessed against a gender justice checklist drawn from Security Council resolution 1325. That would ensure increased high-level attention to gender issues both at the stage of the authorizing resolution and during subsequent related resolutions by the Security Council. There also should be far more substantive references to gender justice issues in reports of the Secretary-General to the Security Council on specific peace operations -- and in relevant thematic reports -- as well as in Security Council resolutions. Women's voices should be heard more frequently in meetings with Security Council members, including during Council missions to various conflict-affected regions. (NY para. 73)***

Gender Checklists

- UN Security Council resolution 1325 provides a framework for a holistic UN approach to promote gender justice in post-conflict societies but it is underutilized. The effective use of "gender justice checklists" drawn from resolution 1325 for the planning and assessment of UN peace operations could ensure increased high-level attention to gender issues both at the stage of the authorizing resolution and during subsequent related resolutions by the Security Council. It was noted, however, that each country presents unique circumstances and, to be effective, such a checklist must take into account the specific gender issues that impact on the situation of women in that country. The formulation and application of any checklist must entail consultation with national stakeholders, including the government, civil society and women's organizations.

IX. Measures to Enhance Responsibility and Accountability of UN Peacekeeping and Humanitarian Personnel for Proper Behavior vis-à-vis the Female Population in Deployed Areas: Establishment of Comprehensive Policies and Procedures to Prevent and Punish Sexual Exploitation and Abuse

23. *UN peacekeeping and humanitarian personnel have a special obligation not to violate the trust that women and girls -- many of whom are weakened and dependent on assistance in a post-conflict situation -- place in them. Not only is there no justification for any such UN personnel to engage in any sexual violence, abuse, or exploitation with respect to the local population, but there also should be zero tolerance of it given the position of trust UN personnel assume in that post-conflict society. Peacekeepers, particularly those in uniform as well as civilian police, become visible role models, admired and respected by the population, including by those carrying arms. Unfortunately, serious sexual misconduct, usually criminal in character, has been identified with such UN personnel (as well as other internationals) in post-conflict situations and severely undercut that respect. Simply put, gender justice must extend to such international guardians, namely, the UN peacekeeping and humanitarian personnel deployed to assist these post-conflict societies. (NY para. 76)*

It will be particularly important in the future for investigations of such incidents involving UN personnel to be aggressively pursued with well-qualified investigators trained to deal with sexual-related crimes and for prompt punitive action to be taken where fault is established. (NY para.78)

Thoughtful and progressive rules on sexual misconduct and crimes were developed by UNAMSIL for troops stationed in Sierra Leone. They have enhanced how peacekeeping missions should apply policy and procedure to prevent the exploitation of women. These policies and procedures should be expanded and included in the training modules and operating rules for all peacekeeping missions. In addition, those UN personnel in charge of refugee and displacement camps should be properly screened so as to ensure that any person who been involved in such violations is not employed in key positions of power over those who are vulnerable. (NY para. 80)

Gender-Sensitive Training

- Resolution 1325 establishes a comprehensive agenda on women, peace and security and underlines the importance of the provision of gender-sensitive training guidelines and materials for all personnel involved in UN peace operations. There is a critical need to strengthen efforts to ensure that proper gender-sensitive training is provided for all staff of UN peace operations, and at all levels, and that accountability mechanisms are established for violations of policies and codes of conduct.

- The terms of reference for each Special Representative of the Secretary-General (SRSG) of a peace operation should explicitly refer to accountability for sexual violations, abuse or exploitation against women and girls.

Codes of Conduct

- Codes of Conduct must be developed for all personnel of UN peace operations, with specific emphasis on gender standards and issues. Training (pre- and post-deployment) should accompany widespread dissemination of the Code, which must include accountability for violations.

- It is imperative that the UN hear and pay adequate attention to the views and perspectives of women, especially concerning issues of trafficking and sexual misconduct. Had the lessons reported in the 2002 *Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* been heeded, many women may not have had to experience violations during later UN peace operations.

24. *While UNIFEM, together with UNDP and ILAC, will proceed with active follow-up to [the appeals made by the national women stakeholders at the Conference], a necessary further step should be the establishment of a high-level mechanism to determine what issues and recommendations raised at the Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, non-governmental organizations and other relevant actors. Given the scope of the issues concerned, there could be a joint undertaking by the Security Council, the General Assembly, and the Economic and Social Council to support, or even spearhead, the establishment of such a high-level mechanism. (NY para. 93)*

Independent Review Panel for Accountability for Gender Justice

- It was stated that there is a lack of adequately robust accountability mechanisms throughout the compartmentalized high-level UN mechanisms and processes as well as the UN's legislative and inter-governmental bodies to ensure an integrated "one UN system" approach for promoting gender justice in post-conflict situations. To rectify this splintered approach and establish clearer and greater accountability on this issue at all levels, it was proposed by one speaker that the UN establish an "Independent Review Panel for Accountability for Gender Justice" to (i) examine the current UN structures, mechanisms and processes that deal with issues relating to gender justice to assess whether enhanced interface and collaboration is needed, and (ii) recommend measures that could be taken respectively by the Secretary-General and by the inter-governmental bodies for implementing a more integrated "one system" approach with adequate accountability safeguards. It was further proposed that, in undertaking such a review, the Panel should consider, *inter alia*, such factors as:
  (a) the current terms of reference, composition, and reporting, monitoring and evaluation procedures for each body/mechanism and what amendments need to be introduced, including whether there should be consolidation in respect of certain bodies/mechanisms;
  (b) whether institutional reforms are needed in terms of the current UN machinery engaged in programmes for the advancement of women and gender equality (the UN's "gender architecture"); and
  (c) how the UN system could best facilitate implementation of the recommendations emerging from the UNIFEM/ILAC Conference and the Stockholm Meeting, and what type of follow-up/tracking mechanisms would be needed for that purpose.

X. Prioritization of Gender Justice within the UN System (including UN Peace Operations) and New Institutional Structures Needed to Accelerate Progress on the Gender Justice Front

25. *While individual UN entities may focus on gender justice objectives, and some UN entities may have staff positions relating to gender justice, there remains a major deficiency in terms of adequate organizational structures and staffing dedicated to gender justice as well as a huge gap in adequate coordination and prioritization among UN entities to focus on and advance gender justice objectives in the field. It is not enough for UN entities to have a few specialized mid-level or low-level staff specialists on gender justice. Too often the subject is pigeon-holed and rendered irrelevant to top-level decision-making or the staff specialist lacks sufficient rank to accomplish objectives. In addition to strengthening gender justice machinery at UN headquarters, more qualified women need to assume senior positions as Special Representatives of the Secretary-General and throughout peace operations in post-conflict countries, including as heads of components dealing with support to the legal and justice sectors of those countries. (NY para. 82)*

Prioritizing Gender Justice in the UN System's Activities

- There can be no gender justice in a post-conflict country if there is no justice to begin with. The UN and the broader international community must devote more effort, attention and resources to establishing and promoting the rule of law in post-conflict states.

- Gender justice cannot be bargained away as a soft chip for realizing other political and operational gains. Gender justice must be a driving force and seamlessly integrated throughout the UN system's activities in all stages of transition from conflict to sustainable peace and development -- from humanitarian emergency assistance, to peacemaking and peacekeeping, to peacebuilding and reconstruction -- and it must entail adequate consultation with a range of national stakeholders, especially women.

- There is a need for increased participation of women at all levels of the process, particularly in high-level positions that influence the planning methodology that guides establishment of the peace operations and reconstruction efforts. Greater emphasis must be placed on the need for the UN to appoint more women as Special Representatives of the Secretary-General (SRSG).

- UN country teams in conflict-affected countries need to enhance their efforts to reach out to and consult with national stakeholders, both governmental and non-governmental, including those in national institutions, professional groups and women's networks.

26. *In transitional post-conflict situations, the UN should have a dedicated structure or mechanism to focus on coordinated assistance to be provided for justice systems and related institutions of such countries, including those needed to address gender justice requirements. There should be a separate and adequately-resourced office in the UN system that deals with such rule of law and gender justice issues under a methodology that is subscribed to by all relevant UN players and that takes account of both (1) the needs and views of the national stakeholders concerned, and (2) the expertise and resources available outside the UN system. In this connection, particular attention needs to be paid to the issue of financing needed for UN programmes to adequately address gender justice requirements in post-conflict situations. Such programmes are almost always under-funded... (NY para. 83)*

Peacebuilding Commission

- The Peacebuilding Commission being considered by the General Assembly offers a great opportunity to, at last, develop long-term and comprehensive strategies for building peace in conflict-affected countries, and bring together all the key international and regional players to support and address the needs of national stakeholders. As currently envisaged, the Peacebuilding Commission appears "gender neutral". If it is to contribute to a truly comprehensive and integrated approach to peacebuilding, the Peacebuilding Commission should take account of gender perspectives and issues, as well as the particular needs and capacities of women, in every aspect of peacebuilding and reconstruction in a country.

- The Peacebuilding Commission could give the issue of justice for women unprecedented visibility and support. It is vital that Member States advocate for gender considerations to be included in the agenda of the Commission.

- UNIFEM's work should directly contribute to the goals and activities of the Peacebuilding Commission and its support office.

Rule of Law Assistance Unit

- The UN must significantly improve its procedures and mechanisms for supporting the rule of law and transitional justice in post-conflict situations.

- It was noted that the establishment of a Rule of Law Assistance Unit was recommended in the 2005 Secretary-General's report *In Larger Freedom: Towards Development, Security and Human Rights for All* (A/59/2005) to assist national efforts to re-establish the rule of law in conflict and post-conflict societies. It is crucial that gender perspectives be fully integrated from the outset into the work and procedures of any such Unit, and that benchmarks are included to monitor progress.

- The Rule of Law Assistance Unit should draw on the expertise of UNIFEM, and other relevant UN entities, in its work.

27. *Too often, initiatives launched in post-conflict countries fail due to lack of coordinated and continued international support that takes account of the views and priorities of national stakeholders, including women. It is essential that international funding and technical assistance be sustained for gender justice objectives throughout and beyond the immediate post-conflict period, which must include adequate consultation with a comprehensive range of national stakeholders, including women in the judicial/legal sectors as well as victims. This includes donor support and focused attention by the UN system to overcome the wide range of physical injuries, psychological and emotional trauma, and property damage suffered by women during armed conflicts. (NY para. 84)*

Long-term and Stable Funding for Gender Justice Priorities

- Justice for women in a conflict-affected county does not come cheap. Gender justice priorities cannot be funded on a "scale of convenience" or from what is leftover in the budget after other requirements are met. Support and funding must focus on addressing the most pressing needs of women in that country, based on their perspectives -- including those of women who are widowed, victims of war, victims of sexual violence, and ex-combatants -- and not as seen from an international perspective.

- The UN system is well-positioned to contribute to improving the situation of women in conflict-affected countries but the cumulative knowledge and expertise within all UN agencies, funds and programmes will only be efficiently utilized if sufficient funds are raised.

- International attention and resources devoted to rule of law, transitional justice, and gender justice issues must be significantly increased; at present, there is simply not enough budgeted or donor funding for programmes in these areas. There is also an ongoing need for more coherence, coordination and transparency in the actions, roles and programmes of UN entities, donors, IFIs and NGOs working in these areas.

- There are several mechanisms within the World Bank that can be used for financing assistance for gender and gender justice, including (a) post-conflict grant facilities, where member countries or other institutions can request money for countries coming out of conflict; (b) multi-donor trust funds administered by the Bank; and (c) the Institutional Development Fund, which is a grant fund to build the capacity of countries in areas which include legal literacy, legal education, legal training (particularly for women) and strengthening women's rights.

- Donor support for collaboration among women from various conflict-affected countries through south/south and regional cooperation is needed. The success of such cooperation between Brazil and Haiti was noted, and there was an appeal to support the request for regional collaboration among the women of Liberia, South Africa and Sudan.

- Funding for UNIFEM is voluntary, and increased support is urgently required for the initiatives set out in UNIFEM's "Donor Proposal for Follow-Up to the Conference on Gender Justice in Post-Conflict Situations" as well as for UNIFEM's Gender Justice Programme Proposals for Afghanistan, Liberia and Sudan (which were distributed to participants).[5] The women ministers/representatives from Afghanistan, Liberia and Sudan each presented a strong appeal to donors for resources to support implementation of the UNIFEM gender justice programme proposals for their respective countries.

28. *UN bodies, regional organizations, and other international entities must collaborate more closely and frequently on gender justice objectives with local non-governmental organizations, relevant professional groups and academic institutions engaged in training women judges and lawyers, with networks of women spanning society, and with men to help change attitudes, curb domestic violence, and ensure the full participation of women in the post-conflict period and beyond. The Partners for Gender Justice Initiative has now been launched, being spearheaded by a group of interested Member States and some non-*

[5] These three gender justice programme proposals employ strategies in line with UNIFEM's Multi-Year Funding Framework (MYFF) for 2004-2007, utilizing the following four core strategies to address gender justice concerns:
(1) Capacity building of law enforcement agencies, judicial institutions, women's organizations and other civil society groups is central. The internalization of and awareness raising on the importance of gender justice issues is a primary action that will build greater commitment to law reform, quality analysis and application.
(2) A strong focus on advocacy is essential for building a gender justice movement in a country. Such advocacy will be especially centered on integrating gender equality and women's rights issues in constitutional and legislative reform, including property and land rights law reform, and ending impunity related to violence against women.
(3) Evidence-based policy influencing is essential to ground the advocacy and provide case studies for capacity-building actions.
(4) A communication and media strategy integral to the programme is a critical means for dissemination of information, amplifying community voices, and sustaining the advocacy action.

governmental organizations with ongoing UNIFEM and ILAC support, to further the gender justice agenda and forge "gender justice partnerships" in the context of post-conflict peacebuilding. Under the umbrella of this Initiative, the idea was raised to form a smaller expert group on gender justice that would develop proposals on how best to engage in post-conflict situations on gender justice issues. Senior UN officials should ensure that this Initiative is supported by their respective agencies, funds and programmes and that the participation of local and international non-governmental organizations is encouraged. (NY para. 85)

Partners for Gender Justice Initiative

- It was agreed that the Partners for Gender Justice Initiative, launched at the UNIFEM/ILAC Conference, will be initially co-chaired by two Member States, Sweden and South Africa, with support from UNIFEM and ILAC.

- It was noted that the Partnership for Gender Justice Initiative could provide global advocacy for gender justice as well as facilitate the provision of international/bilateral support to national stakeholders of conflict-affected countries.

- It was proposed by one participant that the Partners for Gender Justice Initiative take Sudan as a pilot case study to explore how the Initiative can be most effective, and should specifically entail bringing together key women from different conflict-affected countries in the region to discuss the way ahead for promoting gender justice in Sudan.

Best Practices in the Gender Justice Area

- Taking note of the "best practices" that had emerged in various conflict-affected countries in the gender justice area as outlined in the UNIFEM/ILAC Conference report, there was widespread support for a mechanism to enable shared learning and the exchange of best practices in the gender justice area.

- As a follow-up to the UNIFEM/ILAC Conference, ILAC agreed to draw on the expertise of its worldwide membership of judges, prosecutors, lawyers and bar associations to provide, in cooperation with Haiti's Ministry of Women's Affairs, a compilation of "best practices" around the world relating to legislation and legal mechanisms to combat sexual discrimination and sexual violence. The compilation of best practices will be presented to the Ministry to determine whether any of these options/measures may be suitable for Haiti. It was proposed that the provision of such "best practices" for use in Haiti could serve as a pilot project for the exchange of best practices on various other gender justice issues for use in conflict-affected countries; ILAC will continue to further develop this type of assistance in close cooperation with UNIFEM and other UN entities.

29. *In addition, at least two other proposals have been advanced for the UN to make better progress in advancing gender justice in its work. These include the establishment of: (1) a task force at the highest levels of the UN to seriously address mainstreaming gender into justice-related programmes; and (2) gender justice working groups at UN headquarters and in the field to support a more coordinated UN role in assisting post-conflict countries in the development of gender-sensitive judiciaries, criminal justice systems, legislation and constitutions, and to promote economic and social rights. (NY para. 86)*

"One System Approach" for Promoting Gender Justice

- The UN system must adopt a more holistic and inclusive "one system approach" for promoting gender justice, which will require increased linkages between -- and perhaps entail integration

of -- the very separate and compartmentalized mechanisms and processes currently used to review issues falling within the respective humanitarian, development, and peace and security spheres or, more broadly, within the conflict or post-conflict spheres.

- The UN must ensure that priority gender justice needs of national stakeholders are treated as an integral factor in all stages of the planning and implementation of peace operations, which requires clarification of the respective roles of the UN agencies, funds, and programmes (as well as the international financial institutions) vis-à-vis such an operation. It is essential that UNIFEM be involved in this process.

- There is a need in the UN for both gender mainstreaming in programmes and specific dedicated initiatives in order to best address and support gender justice requirements of post-conflict countries.

- It is vital to mobilize gender justice advocates across the UN system, Member States, regional organizations and civil society; it is not enough to have only women and women's organizations involved in this struggle which also needs male leaders. Men at all levels, specifically high-level men in positions of power, must join the struggle for gender justice. In this regard, the Stockholm Meeting discussions benefited from the participation of a number of high-level men representatives, including the Special Adviser to the United Nations Secretary-General, Mr. Lakhdar Brahimi.

30. *UN bodies, regional organizations, and other international entities must collaborate more closely and frequently on gender justice objectives with local non-governmental organizations, relevant professional groups and academic institutions engaged in training women judges and lawyers, with networks of women spanning society, and with men to help change attitudes, curb domestic violence, and ensure the full participation of women in the post-conflict period and beyond. (NY para. 85)*

The promotion of gender justice in post-conflict situations requires a multi-sectoral approach that draws on the expertise and contributions of all key stakeholders at the international level and, most importantly, at the national level. At the international level, the individual mandates of UN bodies that are engaged in supporting transitions to peace require specific inputs relevant to gender justice at different stages of a transition process and a sustained commitment over the long term. . . .The scope and sequence of gender-related activities will vary between missions and countries. This means that integrated planning and implementation, involving all relevant UN players -- including UNIFEM and other agencies operating in the field -- is vital, so that the range of activities undertaken in any one mission or country harnesses the comparative advantage of the different actors in order for efforts to be successful. (NY para. 90)

Collaboration and Coordination among International and National Partners

- The need for a partnership approach to address and support gender justice requirements of conflict-affected countries is crucial -- between key stakeholders within conflict-affected countries; between conflict-affected countries and the international community (including the UN, regional organizations, donors, international financial institutions, NGOs); and within civil society. To be more effective, the international community must make a greater effort to coordinate, to avoid duplication of efforts, and to establish inter-linkages between programmes. It was noted, as an example, that the synergy and cooperation established by the Interim Cooperation Framework in Haiti is something that should be fostered for the future.

- With regard to providing assistance and support for strengthening the different legal systems of various post-conflict countries, it was noted that there is often a gap in capacity within the international community to be able to provide timely assistance in such countries. It was suggested that specialized NGOs with legal and judicial expertise across systems, like ILAC, could provide assistance to such countries and also contribute to a broader understanding of these different legal systems among donors and other international actors.

C. CONCLUSION

31. In the context of the ongoing process of UN reform, the participants of the Stockholm Meeting spoke with one voice: greater and more coordinated attention must be given to rule of law and gender justice requirements of conflict-affected societies, including throughout all levels and bodies of the UN; national women stakeholders, gender justice experts and UNIFEM expertise must be included in assessment and planning processes of UN peace operations and assistance programmes; accountability mechanisms for gender justice, at the national and international levels, are critical; and more sustained and long-term funding and resources must be allocated to meet gender justice requirements. The upcoming 2005 World Summit of the General Assembly in September, as well as the upcoming Security Council debate in October on women, peace and security to mark the fifth anniversary of resolution 1325 (2000), provide critical and timely opportunities for the UN to again shine a bright light on the importance of addressing gender justice requirements of post-conflict societies and to develop long-term strategies for making progress.

32. When the Security Council adopted resolution 1325 five years ago, the light shone bright on the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peacebuilding processes, including UN peacekeeping operations, and to ensure gender balance in UN leadership and decision-making positions. It is with great hope and expectation that today's pressing requirements to strengthen rule of law and gender justice in conflict-affected countries, as well as the recommendations on gender justice that emerged from both the UNIFEM/ILAC Conference and the Stockholm Meeting, will be given serious consideration by the members of the General Assembly and the Security Council, as well as other key actors in the UN system, in developing long-term strategies for building peace in such countries -- but strategies that effectively advance implementation of resolution 1325. Women in conflict-affected areas worldwide deserve such action.